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Docket No: 0630/1G184US1

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Suzana PETANCESKA; Sam GANDY; Donald E. FRAIL

Serial No.: 09/695,446

Art Unit: 1615

Confirmation No.: 2608

Filed: 10/24/2000

Examiner: Todd WARE

For: METHODS OF IDENTIFYING AND USING AMYLOID-INHIBITORY COMPOUNDS

RESPONSE

Hon. Commissioner of  
Patents and Trademarks  
Washington, DC 20231

August 1, 2003


Sir:

In response to the Official Action of July 2, 2003, Applicants provisionally elect, with traverse, the invention of Group I, claims 1-6 and 20-25 drawn to methods for reducing amyloid beta or treating a disease through reduction of amyloid beta with an estrogen compound, classified in class 514, subclass 182, with traversal.

Applicants also respectfully point out the regulation under 37 C.F.R. § 1.142 wherein a restriction requirement "will normally be made before any action on the merits; however, it may be made at any time before final action." While the finality of the Office Action of July 3, 2002 was withdrawn, requiring restriction at this stage in prosecution seems only to serve the purpose of unnecessarily extending the prosecution time of this application, and indeed is contrary to the regulation.

Accordingly, Applicants respectfully request reconsideration of the restriction requirement. Applicants also reserve the right without prejudice to file the subject matter of the non-elected claims in a divisional application.

Respectfully submitted,

  
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